

**State of California
Office of Administrative Law**

In re:
Department of Resources Recycling and
Recovery

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections:

Amend sections: 18660.5, 18660.6,
18660.21, 18660.22,
18660.23, 18660.24

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2015-0812-01

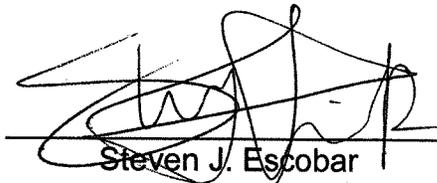
OAL Matter Type: Emergency (E)

This emergency rulemaking from the Department of Recycling, Resources, and Recovery ("CalRecycle") amends several sections in Title 14 of the California Code of Regulations to revise criteria and conditions regarding the disposition of cathode ray tube ("CRT") glass derived from the processing of certain covered electronic waste ("CEW"). Specifically, these amendments remove existing prohibitions on this disposal of treatment residual CRT glass and allow for all otherwise legal dispositions. These changes also improve documentation requirements and place certain time limits on the ultimate disposition of treatment residual CRT glass.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 8/21/2015 and will expire on 8/22/2017. The Certificate of Compliance for this action is due no later than 8/21/2017.

Date: August 21, 2015



Steven J. Escobar
Attorney

For: DEBRA M. CORNEZ
Director

Original: Scott Smithline
Copy: Meagan Wilson

NOTICE PUBLICATION/REGULATIONS SUBMISSION

EMERGENCY

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2015-0812-01E
------------------	--------------------------	--------------------------	-----------------------------------

For use by Office of Administrative Law (OAL) only

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

AUG 21 2015
2:04 PM

2015 AUG 12 P 2:19
OFFICE OF ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

Department of Resources Recycling and Recovery

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE		NOTICE REGISTER NUMBER
			PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) CRT Glass Disposition	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
---	--

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND
	REPEAL
TITLE(S) 14	18660.5, 18660.6, 18660.21, 18660.22, 18660.23, and 18660.24
	per agency request SJE, 08-21-2015

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs., title 1, §44 and Gov. Code §11347.1)

per agency request
SJE, 08-21-2015

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
---	---	--	--

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Meagan Wilson, Staff Counsel	TELEPHONE NUMBER 916-341-6077	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Meagan.Wilson@CalRecycle.ca.gov
---	----------------------------------	-----------------------	--

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Elliot W. Block</i>	DATE 8/12/15
TYPED NAME AND TITLE OF SIGNATORY Elliot Block, Chief Counsel	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

AUG 21 2015

Office of Administrative Law

per agency request SJE, 08-21-2015

per agency request SJE, 08-21-2015

per agency request

For reference, this document shows proposed regulatory revisions via underline and ~~striketrough~~ in the following sections of Title 14 of the California Code of Regulations:

Article 1. General

§ 18660.5. Definitions.

(a) For the purposes of this Chapter, the following shall apply:

- (1) "Act" or "the Act" means the Electronic Waste Recycling Act of 2003 (Senate Bill 20, Chapter 526, Statutes of 2003), as amended.
- (2) "Approved Collector" means an authorized collector as defined in Section 42463(b) of the Public Resources Code who applies to CalRecycle for approval and whose application is approved pursuant to this Chapter and therefore may be eligible for recovery payments from approved recyclers.
- (3) "Approved Dual Entity" means an entity that is both an "approved collector" and an "approved recycler" as defined in this Section.
- (4) "Approved Recycler" means a "covered electronic waste recycler" as defined in Section 42463(h) of the Public Resources Code who applies to CalRecycle for approval and whose application is approved pursuant to this Chapter and therefore may be eligible for recycling payments from CalRecycle.
- (5) "Bare CRT" means a Cathode Ray Tube with the vacuum relieved and the yoke removed that has been separated from the device housing and has had all circuit boards, wiring and other components detached from the tube.
- (6) "Bare Panel" means an LCD, gas plasma, or other non-CRT video display panel that has been separated from the device housing and has had all circuit boards, lamps, wiring and other components detached from the panel.
- (7) "Cancellation" means a processing or treatment method that qualifies CEWs for recycling payments, removes the CEWs from the payment system eliminating the possibility of double payments, dismantles or destroys the original CEW, and results in treatment residuals as specified in Section 18660.32 of this Chapter.
- (8) "Claim Activity Period" means the span of time during which an approved recycler received CEWs from approved collectors, processed and cancelled CEWs, and shipped treatment residuals that results in a recycling payment claim being submitted to CalRecycle.
- (9) "CRT" means a Cathode Ray Tube with the yoke still attached that has been separated from a CRT device.
- (10) "CRT device" means a whole covered electronic device containing a Cathode Ray Tube.
- (11) "California Source" means persons, as defined in Section 42463(n) of the Public Resources Code, located in California who generate CEWs after their own use of a CED. Persons who receive, accumulate, consolidate, store, or otherwise handle discarded, donated or collected CEWs are not the California sources of those CEWs.
- (12) "CalRecycle" means the Department of Resources Recycling and Recovery.
- (13) "Collection log" means a record maintained by an approved collector that records CEW collection activities as specified in Section 18660.20(j) of this Chapter.
- (14) "Collective Report" means a report submitted to CalRecycle through a trade association, a group of associations, or other organization that represents more than one manufacturer.
- (15) "Commingled" means mixed together and impossible to economically or practically separate.

(16) "Covered Electronic Device" or "CED" has the same meaning, for the purposes of this Chapter, as a covered electronic device specified in Section 42463(e) of the Public Resources Code.

(17) "Covered Electronic Waste" or "CEW" means a discarded device that DTSC has determined to be a covered electronic device, as specified by Section 42463(e) of the Public Resources Code.

(18) "Designated Approved Collector" means an approved collector, as defined in subsection (a)(2) of this section, that has been designated by a California local government to provide CEW collection services for or on behalf of the local government and who, in the course of providing the services for the local government, would not be subject to the source documentation requirements pursuant to Section 18660.20(j)(1)(B) of this Chapter.

(19) "DTSC" means the Department of Toxic Substances Control.

(20) "End-Use Destination" means the location where the treatment residuals from the approved recycler are sent after cancellation.

(21) "Further treat" means, for the purposes of this Chapter, activities such as crushing, size reduction, washing, cleaning, smelting, or similar steps taken to process the treatment residual rendering it more marketable. "Further treat" does not mean, for the purposes of this Chapter, receiving, storing, accumulating, consolidating, brokering, shipping, disposing or other similar activities that do not alter the form of the treatment residual.

(22) "Handler", for the purposes of this Chapter, has the same meaning as a universal waste handler or CRT material handler, as applicable, as defined in Section 66273.9 of Title 22 of the California Code of Regulations.

(23) "Illegal Disposal" means, for the purposes of this Chapter, the disposal or placement of CEWs on a property without the permission of the owner(s) of, or responsible party(ies) for, the property.

(24) "Load" means a single transfer (a pick up or delivery) of CEWs, such as from a California source to a collector or from a collector to a recycler.

(25) "Load Check Activities" means, for the purposes of this Chapter, the efforts made to identify, retrieve and divert from the disposed solid waste stream those CEWs that have been illegally discarded by generators. "Load Check Activities" do not include the rejection or acceptance of CEWs due to the lack of source documentation.

(26) "Manufacturer Payment" or "Manufacturer Take Back Payment" means a payment made by CalRecycle to a registered manufacturer that takes back covered electronic wastes (CEWs) from a California source for the purposes of recycling the CEW pursuant to Section 42476(g) of the Public Resources Code.

(27) "Manufacturer Payment Claim" means a registered manufacturer's request submitted to CalRecycle with all required documentation for a manufacturer payment.

(28) "Manufacturer Take Back" means a program administered by a registered manufacturer that accepts CEWs from California sources for the purposes of recycling.

(29) "PBBs" mean Polybrominated Biphenyls.

(30) "Processing log" means a record maintained by an approved recycler that records CEW activities associated with CEW cancellation, such as but not limited to weighing, dismantling, crushing, shredding, etc., as specified in Section 18660.21(b) of this Chapter.

(31) "Product Category" means the types of covered electronic devices as defined in Section 42463(e) of the Public Resources Code. These categories include, but are not limited to, the following:

(A) Cathode Ray Tubes (CRTs) devices used in televisions,

- (B) CRTs devices used in monitors,
 - (C) Liquid Crystal Display (LCD) monitors,
 - (D) Laptop computers containing LCD screens,
 - (E) LCD televisions,
 - (F) Gas plasma display televisions, and
 - (G) Other video display devices as specified by the DTSC pursuant to Section 25214.10.1(b) of the Health and Safety Code.
- (32) "Proof of approval" means the unique identification number and expiration date, issued by CalRecycle that identifies a collector or recycler as being approved pursuant to this Chapter.
- (33) "Proof of designation" means a letter or other document that must be secured by a designated approved collector from a California local government that, at a minimum, specifies the following information:
- (A) The beginning and end dates of the designation.
 - (B) The geographic area within which the designated approved collector is providing CEW collection services for the local government and the location(s) at which the collection service is provided.
 - (C) The customer type to be served by the designated approved collector (i.e. residential, commercial, etc.).
 - (D) The nature of collections activities to be provided by the designated approved collector (i.e. drop-off receipt, curbside service, illegal disposal clean-up, etc.).
 - (E) Contact information for the designating authority.
 - (F) If the proof of designation secured by the designated approved collector is a document other than a letter from the local government, the proof must also include the designated approved collector's written notification to the local government that such other document has been used. The written notification provided to the local government must be accompanied by a copy of the document being used to demonstrate designation.
 - (G) If, after January 1, 2005, and before the effective date of this regulation, a designated approved collector has secured a document from a local government that does not meet the definition of proof of designation as specified in this Section, such document may be used by a designated approved collector to comply with applicable requirements of this Chapter through March 31, 2006.
- (34) "Receiving log" means a record maintained by an approved recycler that documents CEW transfers from approved collectors to the approved recycler.
- (35) "Recovery payment" means the payment made by an approved recycler to an approved collector in exchange for the transfer of CEWs pursuant to Section 42477 of the Public Resources Code.
- (36) "Recovery payment request" means an approved collector's request for recovery payment made to an approved recycler accompanying the transfer of CEWs.
- (37) "Recycling payment" means the payment made by CalRecycle to an approved recycler that includes a recovery component related to recycler payments to collectors pursuant to Section 42477 of the Public Resources Code and a recycling component for CEW cancellation pursuant to Section 42478 of the Public Resources Code.
- (38) "Recycling payment claim" means an approved recycler's claim that includes all required documentation submitted to CalRecycle for recycling payments for cancelled CEWs.

(39) "Registered Manufacturer" means a manufacturer as defined in Section 42463(m) of the Public Resources Code who registers with CalRecycle pursuant to this Chapter and therefore may be eligible for manufacturer payments from CalRecycle.

(40) "Source-anonymous CEWs" means CEWs whose originating California source cannot be identified in collection log information required pursuant to Section 18660.20(j)(1)(B) of this Chapter.

(41) "Source documentation" means collection logs and other information developed, maintained and transferred pursuant to Section 18660.20(h) of this Chapter that demonstrates the eligibility, originating generator and/or intermediate handlers of collected CEWs as applicable.

(42) "Standard Statewide Recovery Payment Rate" means the amount paid to an approved collector per pound of CEWs transferred to an approved recycler to cover the cost of collection, consolidation and transportation of CEWs as established pursuant to Section 42477 of the Public Resources code.

(43) "Standard Statewide Combined Recycling and Recovery Payment Rate" means the amount paid to an approved recycler per pound of CEWs cancelled and claimed to cover the cost of receiving, processing and recycling CEWs as established pursuant to Section 42478 of the Public Resources Code, and making recovery payments to approved collectors.

(44) "Transfer" or "Transferred" means physically changing possession of CEWs, such as a transfer from a California source to a collector or from a collector to a recycler.

(45) "Transfer documentation" means, for the purposes of this Chapter, records and/or receipts that record the transfer of CEWs from an approved collector to an approved recycler, which include the weight, number, and source of the transferred CEWs, and the date(s) of transfer.

(46) "Treatment residuals" means any material resulting from the dismantling or treatment of a CEW. Treatment residuals are not considered CEWs and are not eligible for payment, however the costs or revenues associated with managing treatment residuals shall be factored into the net cost of recycling CEW. ~~In some cases, t~~ Treatment residuals may be used to demonstrate the prior processing of CEWs, and bills of lading for documentation demonstrating the subsequent movement or ultimate disposition of the material ~~treatment residuals~~ may be required as part of the claim for payment submitted by an approved recycler.

(47) "Ultimate disposition" means, for the purposes of this Chapter, the consumption of a treatment residual into a manufacturing process or the disposal of a treatment residual at a permitted disposal facility. Storage of a treatment residual at a site of generation or at an intermediate facility, or accumulation of a treatment residual at a location prior to consuming or disposing, is not ultimate disposition.

Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.

Reference: Sections 42463, 42465.2, 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

Article 2.0. Electronic Waste Payment System – Applicability and Limitations, Document Submittals, Records, Audits and Net Cost Report
§ 18660.6. Applicability and Limitations.

(a) Limitations on the types of CEWs eligible for payments:

- (1) An approved collector may request recovery payment only for the types of CEWs specified by DTSC that are transferred to an approved recycler by the collector.
 - (2) An approved recycler may claim recycling payment only for the types of CEWs specified by DTSC that are received from an approved collector and are cancelled by the recycler.
 - (3) A registered manufacturer may claim manufacturer payment only for the types of CEWs specified by DTSC that the manufacturer takes back for recycling.
- (b) Limitations on the timeframes eligible for payments:
- (1) An approved collector, an approved recycler, or a registered manufacturer shall not receive payment for any CEWs transferred from a California source before January 1, 2005.
 - (2) An approved collector shall not request recovery payments from recyclers for transfers that occur prior to the approval of the collector's application by CalRecycle.
 - (3) An approved recycler shall not claim recycling payments from CalRecycle for CEWs cancelled prior to the approval of the recycler's application by CalRecycle.
 - (4) A registered manufacturer shall not claim manufacturer payments from CalRecycle for recycling that occurs prior to the manufacturer's registration with CalRecycle.
- (c) Limitations on the Sources of CEWs and CEWs eligible for payments:
- (1) Only CEWs resulting from a California source are eligible for recovery, recycling, or manufacturer payments.
 - (2) CEWs owned by a person in California, but used entirely outside of California are not eligible for payments.
 - (3) Source-anonymous CEWs, documented pursuant to Section 18660.20(j)(1)(E) of this Chapter, are eligible for recovery and recycling payments if:
 - (A) The source-anonymous CEWs result from load check activities as defined in Section 18660.5(a)(25) conducted at permitted solid waste facilities whose operator is an approved collector or, if not an approved collector, the source-anonymous CEWs are directly transferred from the permitted solid waste facility to an approved collector; or
 - (B) The source-anonymous CEWs result from illegal disposal clean-up activities conducted by an approved collector who is a local government or its designated approved collector; or
 - (C) The source-anonymous CEWs result from illegal disposal on property owned or managed by an approved collector.
 - (4) CEWs are transferred to a designated approved collector are not eligible for payments unless the CEWs are accompanied by applicable source documentation pursuant to Section 18660.20(h) of this Chapter.
- (d) Limitations on the ability of collectors and recyclers to charge a fee:
- (1) If the recovery payment from a recycler does not fully cover the net cost of CEW recovery, and the collector establishes a cost-free opportunity for a California source to transfer CEWs to the collector, then an approved collector may charge a fee for CEW recovery.
 - (2) If the recovery payment from a recycler fully covers the net cost of CEW recovery, an approved collector shall provide CEW recovery at no charge to California sources or CalRecycle may revoke approval and direct recyclers to deny recovery payments to the collector.
 - (3) If the recycling payment from CalRecycle does not fully cover the net cost of CEW recycling, an approved recycler may charge a fee for CEW recycling.
 - (4) If the recycling payment from CalRecycle fully covers the net cost of CEW recycling, an approved recycler shall provide CEW recycling at no charge to approved collectors or CalRecycle may revoke approval and deny recycling payments to the recycler.

(e) Limitations on recovery payments:

- (1) An approved recycler shall make recovery payments at the rate specified in Section 18660.33 of this Chapter to approved collectors for all CEWs transferred to the recycler and that are accompanied by applicable source documentation pursuant to Section 18660.20(h) of this Chapter.
- (2) CalRecycle shall revoke a recycler's approval and deny recycling payments to a recycler that fails to make recovery payments to approved collectors as specified in this Chapter.
- (3) An approved recycler shall not make the recovery payments as specified in this Chapter to collectors who are not approved pursuant to this Chapter.
- (4) An approved recycler may make other types of payments, not provided for under this Chapter, to a collector regardless of the collector's approval status.
- (5) An approved recycler shall not provide recovery payments to a collector other than the approved collector that transfers the CEWs to the recycler, but nothing limits the collectors involved in prior transfers from negotiating payments among themselves unrelated to the recovery payment provisions of this Chapter.
- (6) An approved collector is eligible for recovery payments only if the collector establishes a cost-free opportunity for a California source to transfer CEWs to the collector.
- (7) An approved collector is entitled for recovery payments only for CEWs transferred to the recycler that are accompanied by applicable source documentation pursuant to Section 18660.20(h) of this Chapter.
- (8) The approved collector shall repay the approved recycler the amount of recovery payment that was paid if an approved collector has received recovery payment from an approved recycler for which the approved collector was not entitled.

(f) Limitations on recycling payments:

- (1) CalRecycle shall make recycling payments only to approved recyclers who:
 - (A) Cancel CEWs using cancellation methods as specified in Section 18660.32 of this Chapter.
 - (B) Document cancellation and meet the other requirements of this Chapter.
- (2) CalRecycle shall not make recycling payments to a recycler other than the approved recycler that cancels the CEWs, but nothing limits the recyclers involved in subsequent transfers from negotiating payments among themselves unrelated to the recycling payment provisions of this Chapter.
- (3) CalRecycle shall not make recycling payments for reuse of either a whole CEW or of a partially disassembled CEW, such as a CRT with an attached yoke.

(g) Limitations in relation to current business practices:

- (1) CalRecycle shall not limit the ability of approved collectors and approved recyclers to transfer or not transfer CEWs to or from any party.
- (2) CalRecycle shall not limit the ability of approved collectors and approved recyclers from entering into contracts with each other or other parties.
- (3) CalRecycle shall not limit the ability of collectors to recover CEWs or recyclers to recycle CEWs without participating in the system described in this Chapter.
- (4) If collectors wish to receive recovery payments or recyclers wish to receive recycling payments, then they must meet the requirements in this Chapter.

(h) Limitations on recycling payments on exported CEWs and the disposition of treatment residuals:

~~(1) CalRecycle shall not approve recyclers located outside the State. CEWs sent to and cancelled by unapproved recyclers are not eligible for payments pursuant to this Chapter regardless of the location of the unapproved recycler.~~

~~(2) If treatment residuals are disposed to land, water or air, then a recycler shall not be eligible for recycling payments for the original CEWs unless the treatment residual is not economically feasible to recycle and/or cannot be recycled because it would pose a hazard to public health, safety or the environment.~~

(1) Approved recyclers are not eligible for CEW recycling payments if treatment residuals are managed in a manner noncompliant or nonconforming with applicable law.

(2) Treatment residuals shall be managed for recycling to the extent economically feasible.

(A) Economic feasibility shall be determined by an approved recycler based on current market conditions for legal management options.

(B) CalRecycle may demand demonstration of economic infeasibility in accordance with Public Resources Code section 42479.

(3) Approved recyclers that ship treatment residual CRTs or CRT glass for the purposes of recycling shall be capable of demonstrating to CalRecycle or its designee upon demand that the material has reached an ultimate disposition within one year of the initial shipment.

(4) If treatment residuals are disposed, an approved recycler shall ensure that the disposal is compliant with all applicable laws and conforms to any conditions of authorization or approval under which the approved recycler managed the CEW from which the treatment residuals were derived.

(5) CalRecycle may demand demonstration of compliance or conformance with all applicable laws associated with treatment residual disposition.

(i) Limitations on the manufacturer payment system:

(1) CalRecycle shall not register any entity other than a manufacturer as defined in Section 42463(m) of the Public Resources Code to be a registered manufacturer.

(2) CalRecycle shall not make manufacturer payments to any entity other than a registered manufacturer.

(3) A registered manufacturer shall only claim payment for, and CalRecycle shall only make manufacturer payments for, CEWs received from California sources that are processed for recycling that in a manner that results in cancellation as specified in Section 18660.32 of this Chapter or an equivalent result.

(4) A registered manufacturer shall not claim payment for, and CalRecycle shall not make manufacturer payments for, CEWs that are reused, repaired, refurbished or otherwise returned to use.

(j) Limitations on recycling payments on exported CEWs:

(1) CalRecycle shall not approve recyclers located outside the state of California.

(2) CEWs sent to and cancelled by unapproved recyclers are not eligible for recycling payments pursuant to this Chapter regardless of the location of the unapproved recycler.

Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.

Reference: Sections 42472(b), 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

Article 2.2. Electronic Waste Payment System – Business Requirements

§ 18660.21. Requirements for an Approved Recycler.

- (a) Upon CalRecycle approval of its application, an approved recycler may begin claiming recycling payments for CEWs received from an approved collector and cancelled after the approval.
- (b) An approved recycler shall comply with the requirements of this Chapter, including:
 - (1) Begin CEW cancellation activities within 180 calendar days of approval. CalRecycle may revoke approval if a recycler fails to begin CEW cancellation within 180 days.
 - (2) Accept transfer of and cancel at least one (1) load of CEWs from an approved collector within 180 days of approval. Approved dual entities may also meet this requirement by both collecting and canceling at least one load of CEWs within 180 days of approval. CalRecycle may revoke approval if a recycler fails to cancel at least one load within 180 days of approval.
 - (3) Record each approved collector's proof of approval identification number and provide a receipt showing the weight and number of CEWs transferred and the amount of the corresponding recovery payment due to the collector.
 - (4) Make recovery payments to approved collectors, or their agents, for all CEWs transferred, in accordance with this Chapter, at the time of transfer of CEWs, or at a later time specified in a written contract between the approved collector and approved recycler, but not more than 90 days from the date of transfer.
 - (5) Cancel CEWs by one or more of the manners prescribed in Section 18660.32 of this Chapter.
 - (A) An approved recycler shall maintain a processing log that records the date, method of cancellation, and quantity in pounds of CEWs cancelled.
 - (B) An approved recycler shall maintain inventory records that document the relationship between CEWs received from approved collectors, CEWs processed and cancelled by the approved recycler, and treatment residuals shipped to end-use destinations.
 - (6) Submit recycling payment claims to CalRecycle as specified in Sections 18660.22 through 18660.31 of this Chapter.
 - (7) Submit to and obtain a DTSC inspection, within any 12-month period.
- (c) Based on information supplied by approved collectors, an approved recycler shall, at a minimum, keep track of the weight of CEWs from both California and non-California sources transferred from approved collectors and ensure that recycling payments are not claimed for non-California source materials.
- (d) An approved recycler shall not provide recovery payment to approved collectors for CEWs from non-California sources, or to approved collectors that fail to provide complete and applicable source documentation on CEW origin pursuant to Section 18660.20(h) of this Chapter.
- (e) An approved recycler shall not claim recycling payments for non-California CEWs.
- (f) Approved recyclers shall determine if CEWs they accept from collectors have already been cancelled and shall keep track of the weight of those materials and ensure that recycling payments are not claimed for these materials.
- (g) An approved recycler shall not provide recovery payment to approved collectors for previously cancelled material.
- (h) An approved recycler shall not claim recycling payments for previously cancelled material.
- (i) An approved recycler may deny recovery payments for commingled loads in which CEWs cannot be distinguished from other materials.
- (j) An approved recycler shall operate in accordance with all Federal, State and local laws and regulations.

- (k) An approved recycler shall:
- (1) Be equipped with scales and be a weighmaster in accordance with Chapter 7 (commencing with Section 12700) of Division 5 of the Business and Professions Code.
 - (2) Measure, record and report weights in pounds and issue certified weights.
 - (3) Weigh CEWs and/or treatment residuals on a scale or other device approved, tested and sealed in accordance with Division 5 (commencing with Section 12500) of the Business and Professions Code.
- (l) In addition to the general record keeping requirements in Section 18660.8 of this Chapter, an approved recycler shall maintain the following records:
- (1) A receiving log containing a brief written description of CEW transfers by load from approved collectors, the number and weight of CEWs transferred, and the dates the transfers from collectors occurred.
 - (2) Records of CEW transfers, including all documentation received from an approved collector as specified in Section 18660.20(h), and recovery payments made and/or owed to approved collectors, including signed and dated receipts showing the number and weight of CEWs transferred.
 - (A) The approved recycler shall identify and record each approved collector using the name and identification number from the collector's "proof of approval."
 - (B) The approved recycler shall record separately the sum of estimated weights of source-anonymous CEWs reported by and transferred from an approved collector.
 - (3) A processing log showing the definitive cancellation of CEWs by weight, date and cancellation method, as specified in Section 18660.32 of this Chapter, upon which a payment claim is based.
 - ~~(4) Records for all bills of lading for treatment residuals including the following information:~~
(4) Applicable records for all shipments of treatment residuals, including but not limited to weight certificates, packing lists, bills of lading, manifests, destination receipts, invoices, and payments. Applicable records shall be maintained pursuant to Section 18660.8 of this Chapter and be capable of demonstrating the following information:
 - (A) Date of shipment.
 - (B) Quantity and material type in shipment.
 - (C) The full name and address of shipping service.
 - (D) The full name and address of the buyer or other transferee, and destination name and address if different.
 - (E) Identification and description of the ultimate disposition of the treatment residuals.
 - (5) Records on the net costs associated with the disposition of all CEWs handled, the net costs of accepting the transfer of CEWs, the net costs of each cancellation method used, and any additional administrative costs of providing recovery payments to approved collectors.
 - (6) Complete records of all claims, attachments and supporting documentation for all recycling payment claims made to CalRecycle.

Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.
Reference: Sections 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

Article 2.3. Electronic Waste Payment System – Recycling Payment Claims
§ 18660.22. General Requirements for Recycling Payment Claims.

(a) An approved recycler shall submit all of the following general information in a claim for recycling payments from CalRecycle:

- (1) The full name, mailing address, and federal tax identification number of the recycler preparing the report.
- (2) The name and phone number of a contact person for purposes of the report.
- (3) The reporting month (calendar month and year) and date of preparation of the report.
- (4) The claim activity period, listing the start and end dates.
- (5) The total weight of CEW claimed, as calculated in Sections 18660.23, 18660.24, and 18660.25 of this Chapter.
- (6) The total monetary amount being claimed.
- (7) The signature and title of a person with signature authority for payment claims as designated pursuant to Section 18660.11 of this Chapter. The signature block shall include the following certification statements:

(A) "I hereby declare under penalty of perjury that:"

1. "The approved recycler whom I represent is currently in compliance with all Federal, State and local requirements, including compliance with the requirements of the Act and this Chapter."
2. "All claimed CEWs have been cancelled as specified in Section 18660.32 and are unable to re-enter the payment system, and all treatment residuals specified in Section 18660.22(c) derived from the claimed CEWs have been shipped off-site to an end-use destination authorized to receive and further treat or legally dispose of those treatment residuals."
3. "I have certified the weights and verified the calculations, including the adjustments for CEWs from non-California sources and for prior cancellation."
4. "This payment claim, including any and all accompanying documents has been examined by me and is true, and correct and complete."
5. "I understand that errors or omissions on my part may result in CalRecycle delaying or denying payment"
6. "I further understand that fraud could result in revocation of the recycler's approval."

(8) The date and place of the signing of the claim.

(b) For each cancellation method used, an approved recycler shall submit no more than one recycling payment claim per calendar month and may only include one reporting month, as specified by Sections 18660.23, 18660.24 and 18660.25 of this Chapter, in a single recycling payment claim. An approved recycler shall prepare payment claims for different cancellation methods separately, but may submit a package containing all the claims for a reporting month.

(c) Prior to submitting a payment claim for cancelled CEWs, an approved recycler shall:

(1) Ship off-site all the following treatment residuals derived from the cancelled CEWs to an end-use destination authorized to receive and further treat or legally dispose of the treatment residual:

- (A) CRT glass cullet if conducting CRT or CRT-containing CEW cancellation through crushing or shredding.
- (B) Bare CRTs or CRT glass cullet if conducting CRT or CRT-containing CEW cancellation through dismantling to a bare CRT after relieving the vacuum.
- (C) Gas plasma display glass cullet if conducting non-CRT-containing CEW cancellation through crushing or shredding.

- (D) Bare gas plasma display panels if conducting non-CRT-containing CEW cancellation through dismantling to a bare panel.
- (2) For each cancelled non-CRT-containing CEWs, the recycler shall record and report the manufacturer name, model number, serial number and weight prior to cancellation.
- (3) Only those CEWs that have been processed and documented pursuant to the applicable requirements of subsections (c)(1) and (c)(2) of this section shall be claimed for payment.
- (d) An approved recycler shall attach all of the following to the payment claim:
 - (1) For all CEWs received from collectors during the claim activity period that are cancelled and included in the current claim, a report that includes:
 - (A) A list of approved collectors from which the transfers of CEWs were accepted with the name and proof of approval identification number of each.
 - (B) The total weight of CEWs in all loads transferred from each approved collector. Note that this weight may not equal the weight claimed for recycling payment because recovery payments are made on the weight of all CEWs transferred while recycling payments are made on the weight of only those CEWs cancelled.
 - (C) Signed and dated receipts documenting all CEW transfers from approved collectors.
 - (D) A copy(ies) of the applicable records specified in Section 18660.21(l)(1)-(4) pertaining to the collection and processing activities involving the CEWs cancelled and being claimed for payment.
 - 1. Source documentation not associated with the claimed CEWs shall not be included in the report.
 - 2. Transfer documentation not associated with the claimed CEWs shall not be included in the report.
 - (E) A sum of the estimated weight of source-anonymous CEWs as reported by and transferred from approved collectors.
 - (2) For all CEWs cancelled during the claim activity period and that are included in the current claim, a description of cancellation activities that includes:
 - (A) The type(s) of cancellation method used.
 - (B) The date(s) when cancellation occurred.
 - (C) The amount of CEWs processed by dismantling, crushing or shredding by date in pounds.
 - (D) The dates and destinations of all treatment residual shipments required prior to submitting a claim as specified in subsection (c) of this section.
 - (3) For all CEWs received from collectors during the claim activity period that are not included in a prior claim and that are not cancelled, a description and quantification of those activities including but not limited to storage, repair, refurbishment, resale, reuse, transfer and/or export.
- (e) An approved recycler shall deliver recycling payment claims to CalRecycle's main business office, to the attention of the Accounting Section. An approved recycler shall mark the outside of the package containing the claims clearly with "e-Waste Claim Enclosed."
- (f) An approved recycler shall submit timely recycling payment claims so that CalRecycle receives each claim within 45 days of the end of the reporting month, as specified by Sections 18660.23, 18660.24 and 18660.25 of this Chapter. CalRecycle may return without payment any claim received more than 45 days after the end of the reporting month, as specified by Sections 18660.23, 18660.24 and 18660.25 of this Chapter. CalRecycle shall determine a claim's receipt as either the date of the postmark on the claim package, or the date the claim package was physically received by CalRecycle, whichever is earlier.

(g) CalRecycle may reject a claim if it fails to comply with the general requirements of this Section, or the additional requirements in the applicable provisions regarding cancellation methods in Sections 18660.23, 18660.24 and/or 18660.25 of this Chapter.

(h) CalRecycle's rejection of a recycling payment claim shall not extend any applicable due date or time period.

Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.

Reference: Sections 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

§ 18660.23. Additional Requirements for Recycling Payment Claims to Demonstrate Cancellation of CRTs or CRT-Containing CEWs Through Crushing or Shredding.

(a) In addition to the general information required in Section 18660.22 of this Chapter, an approved recycler shall include the information in this Section to claim recycling payments for canceling CRT-containing CEWs through crushing or shredding as specified in Section 18660.32 of this Chapter.

(b) An approved recycler shall base recycling payment claims on the weight of CRT-containing CEWs cancelled.

(c) An approved recycler shall submit a recycling payment claim within 45 calendar days of the end of a calendar month in which one or more shipments of CRT glass cullet were sent to an end use destination.

(d) The reporting month for a recycling payment claim pursuant to this Section is the month in which shipment(s) of CRT glass cullet were made.

(e) An approved recycler shall calculate the payment and include the calculation in a recycling payment claim specific to canceling CRT-containing CEWs through crushing or shredding as follows:

(1) The total weight of CRT-containing CEWs cancelled for the reporting month from which all treatment residuals specified in Section 18660.22(c)(1) of this Chapter have been shipped off-site to an end-use destination authorized to receive and further treat or legally dispose of those treatment residuals.

(2) The total payment claimed, calculated by multiplying the weight of CRT-containing CEWs specified in subsection (e)(1) of this Section by the Standard Statewide Combined Recovery and Recycling Payment Rate.

(3) If the amount in subsection (e)(1) of this Section includes CEWs from outside California, CEWs without source documentation, or previously cancelled materials, then the recycler shall reduce the payment claim to reflect these corrections by adjusting the weights.

(f) An example calculation for canceling CRT-containing CEWs through crushing or shredding is included for illustration purposes as follows:

<i>The weight of CRT-containing CEWs cancelled:</i>	<i>1000 pounds</i>
<i>Times the per pound Standard Statewide combined recovery and recycling payment rate:</i>	<i>X \$0.44</i>
<i>Equals the payment claim for the reporting period:</i>	<i>= \$440.00 Total Claim</i>

(g) An approved recycler shall attach to the payment claim the following documentation from all shipments of CRT glass cullet made during the reporting period of a calendar month:

(1) Shipping reports to end-use destinations, including the names of the shipping recycler and the receiving end-use destination.

(2) The date of the shipment and the weight of the CRT glass cullet.

- (3) Weight tickets of individual shipments of CRT glass cullet.
- (4) Verification of post cancellation disposition, including:
 - (A) For shipments by sea, the proof of disposition to an end-use destination shall be the on-board bill of lading and an executed contract or other documentation from the intended recipient of the shipment.
 - (B) For other shipments, the proof of disposition to an end-use destination shall include a receipt issued by the person receiving the shipment and any applicable bill of lading.
 - (C) For all shipments of CRT glass cullet, information pertaining to a discussion of the ultimate disposition of the material shipped demonstrating that the disposition is not disposal to land, water or air compliant with applicable law and conformant with the approved recycler's conditions of authorization.
 - 1. All documentation necessary to demonstrate compliant material disposition shall be included in the discussion.
 - 2. CalRecycle may demand additional documentation as necessary from an approved recycler to determine the legality of material disposition.

(h) In addition to the documentation required in subsection (g), an approved recycler shall attach to the payment claim a description and qualification quantification of the disposition of other treatment residuals derived from cancellation of the CRT-containing CEWs, including but not limited to metals, plastics, fibers and wood.

Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.

Reference: Sections 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.

§ 18660.24. Additional Requirements for Recycling Payment Claims to Demonstrate Cancellation of CRTs or CRT-Containing CEWs Through Dismantling to a Bare CRT After Relieving the Vacuum.

- (a) In addition to the general information required in Section 18660.22 of this Chapter, an approved recycler shall include the information in this Section to claim recycling payments for canceling CRT containing CEWs through dismantling to a bare CRT after relieving the vacuum as specified in Section 18660.32 of this Chapter.
- (b) An approved recycler shall base recycling payment claims on the weight of CRT-containing CEWs cancelled.
- (c) An approved recycler shall submit a recycling payment claim within 45 calendar days of the end of a calendar month in which one or more shipments of bare CRTs or CRT glass cullet were sent to an end use destination.
- (d) The reporting month for a recycling payment claim pursuant to this Section is the month in which the shipment(s) of bare CRTs or CRT glass cullet were made.
- (e) An approved recycler shall calculate the payment and include the calculation in a recycling payment claim specific to canceling CRT-containing CEWs through dismantling to a bare CRT as follows:
 - (1) The total weight of CRT-containing CEWs cancelled from which all treatment residuals specified pursuant to Section 18660.22(c)(1) of this Chapter have been shipped off-site to an end-use destination authorized to receive and further treat or legally dispose of those treatment residuals.
 - (2) The total payment claimed, calculated by multiplying the weight of CRT-containing CEWs specified in subsection (e)(1) of this Section by the Standard Statewide Combined Recovery and Recycling Payment Rate.

- (3) If the amount in subsection (1) of this Section includes CEWs from outside California, CEWs without source documentation, or previously cancelled materials, then the recycler shall reduce the payment claim to reflect these corrections by adjusting the weights.
- (f) An example calculation for canceling CRT containing CEWs through dismantling to a bare CRT after relieving the vacuum is included for illustration purposes as follows:

<i>The weight of CRT-containing CEWs cancelled:</i>	<i>1000 pounds</i>
<i>Times the per pound Standard Statewide combined recovery and recycling payment rate:</i>	<i>X \$0.44</i>
<i>Equals the payment claim for the reporting period:</i>	<i>= \$440.00 Total Claim</i>

- (g) An approved recycler shall attach the following documentation for all shipments of bare CRTs or CRT glass cullet made during the reporting period of a calendar month:

- (1) Shipping reports to end-use destinations, including the names of the shipping recycler and the receiving end-use destination.
- (2) The date of the shipment and the weight of the bare CRTs or CRT glass cullet.
- (3) Weight tickets of individual shipments of bare CRTs or CRT glass cullet.
- (4) Verification of post cancellation disposition, including:
 - (A) For shipments by sea, the proof of disposition to an end-use destination shall be the on-board bill of lading and an executed contract or other documentation from the intended recipient of the shipment.
 - (B) For other shipments, the proof of disposition to an end-use destination shall include a receipt issued by the person receiving the shipment and any applicable bill of lading.
 - (C) For all shipments of bare CRTs or CRT glass cullet, information pertaining to a discussion of the ultimate disposition of the material shipped demonstrating that the disposition is not disposal to land, water or air compliant with applicable law and conformant with the approved recycler's conditions of authorization.

1. All documentation necessary to demonstrate compliant material disposition shall be included in the discussion.

2. CalRecycle may demand additional documentation as necessary from an approved recycler to determine the legality of material disposition.

- (h) In addition to the documentation required in subsection (g), an approved recycler shall attach to the payment claim a description and ~~qualification~~ quantification of the disposition of other treatment residuals derived from cancellation of the CRT-containing CEWs, including but not limited to metals, plastics, fibers and wood.

Authority cited: Sections 40502, 42475(b) and 42475.2, Public Resources Code.

Reference: Sections 42475(a), 42476, 42477, 42478 and 42479, Public Resources Code.